

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Plaintiff, | : | CIVIL ACTION NO. 16-6560 |
| | : | |
| v. | : | |
| | : | |
| MICHELLE L. DOMMEL, | : | |
| | : | |
| Defendants. | : | |

ORDER AND NOTICE

AND NOW, this 5th day of April, 2017, the plaintiff, the United States of America, having moved for the entry of a default judgment against the defendant, Michelle L. Dommel, on March 3, 2017 (Doc. No. 5); and the court having entered an order on March 13, 2017, in which the court scheduled a hearing on the motion for Tuesday, April 4, 2017, at 2:00 p.m. (Doc. No. 8); and the court having convened for purposes of the hearing on the aforesaid date and time; and the court having conferred with counsel for the plaintiff about an issue concerning the defendant's address as it related to the service of certain documents in this case;¹ and the court having specifically noted that in executing a waiver of service in this matter, the defendant listed her address as 5558 Bassler Road, Elizabethtown, PA 17022, *see* Waiver of Serv. of Summons, Doc. No. 2; and it appears that despite the defendant listing this Elizabethtown address on the waiver of service, the plaintiff served copies of the motion for a default judgment, supporting memorandum of law, proposed order, the affidavit in support of the motion, and the certificate of service upon the defendant at the address for the mortgaged property, *i.e.* 136 Penn Oak Drive, Bainbridge, PA 17502, and at 424 Nottingham Avenue, Lancaster, PA 17601, *see* Motion for Default J. at ECF p. 4, Doc. No. 5; and it appearing that the plaintiff did not serve copies of those documents on the defendant at the Elizabethtown address, *see id.*; and

¹ The defendant did not appear for the hearing.

THE COURT HAVING ORDERED THAT the plaintiff serve a copy of the court's March 13, 2017 order on the defendant by posting a copy of the order on the mortgaged property and by sending it by regular mail to her last known address, *see* Order at 1-2, Doc. No. 8; and the court also having directed that the plaintiff filed a verification of service of the order at least two days prior to the hearing, *see id.* at 2; and it appearing that the plaintiff complied with part of the court's order insofar as it submitted a certificate of service and had posted a copy of the order on the mortgaged property, *see* Certificate of Serv., Doc. No. 10; and it also appearing that although the plaintiff sent copies of the order to the defendant by first class mail, it again used the 136 Penn Oak Drive and 424 Nottingham Avenue addresses, but did not use the 5558 Bassler Road address to serve the defendant, *see id.*; and

THE PLAINTIFF'S COUNSEL having acknowledged the issue with service and, consequently, having requested a continuance of the hearing to properly effect service; and the court finding good cause to grant a continuance of the hearing in this matter; accordingly, it is hereby **ORDERED** as follows:

1. The evidentiary hearing that was scheduled for Tuesday, April 4, 2017, at 2:00 p.m. is **RESCHEDULED** to **Friday, April 28, 2017, at 3:00 p.m.** at the Holmes Building, 101 Larry Holmes Drive, 4th Floor, Easton, Pennsylvania 18042. Counsel for the plaintiff may participate in the hearing by telephone by contacting the undersigned through his civil deputy at (610) 333-1833 at the time of the hearing;² and

2. The plaintiff shall serve copies of (1) the motion for a default judgment, supporting memorandum of law, supporting affidavit, and proposed order, (2) the breakdown of requested damages filed by the plaintiff on March 30, 2017, and (3) the instant order, upon the defendant by (1) posting copies on the property to be foreclosed, and (2) by sending copies via

² If the plaintiff's counsel desires to personally appear before the undersigned for the hearing, he may do so.

regular and registered mail to the defendant at her last known address, which currently appears to be 5558 Bassler Road, Elizabethtown, PA 17022. The plaintiff should submit a verification of service **at least two days prior to the hearing.**

NOTICE

THE DEFENDANT, MICHELLE L. DOMMEL, IS HEREBY NOTIFIED THAT THE PURPOSE OF THIS HEARING IS TO DETERMINE WHETHER A DEFAULT JUDGMENT SHALL BE ENTERED AGAINST HER AND THE AMOUNT OF THAT JUDGMENT. THE DEFENDANT HAS THE RIGHT TO APPEAR BEFORE THE UNDERSIGNED AT THE HEARING TO OPPOSE THE RELIEF REQUESTED BY THE PLAINTIFF. THE HEARING WILL OCCUR AT THE HOLMES BUILDING, 101 LARRY HOLMES DRIVE, 4TH FLOOR, EASTON, PENNSYLVANIA 18042. IF THE DEFENDANT FAILS TO APPEAR, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST HER BASED ON INFORMATION PROVIDED BY THE PLAINTIFF.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.